

## **IN THE CLAIMS:**

This listing of claims will replace all prior versions, and listing of, claims in this application:

### **Listing of claims:**

1. (Currently Amended) A writing instrument comprising:  
a barrel having a proximal end with a proximal opening and distal end with a writing end opening opposite said proximal end;  
a writing medium cartridge positioned in said barrel and having a writing tip extending out said writing end opening and a proximal end;  
an end plug in said proximal opening; and  
a cushioning element formed integrally and as a single piece with said end plug;  
wherein said cushioning element abuts said proximal end of said writing medium cartridge, and  
wherein said end plug is attached to said proximal opening of said barrel by an adjustable threaded attachment.
2. (Original) The writing instrument of claim 1, wherein said end plug is attached to said barrel.
3. (Canceled)
4. (Original) The writing instrument of claim 2, wherein said end plug is permanently attached to said proximal opening of said barrel.
5. (Currently Amended) [[The]] A writing instrument [[of claim 3,]] comprising:  
a barrel having a proximal end with a proximal opening and distal end with a writing end opening opposite said proximal end;  
a writing medium cartridge positioned in said barrel and having a writing tip extending out said writing end opening and a proximal end;  
an end plug in said proximal opening; and  
a cushioning element formed integrally and as a single piece with said end

plug:

wherein said cushioning element abuts said proximal end of said writing medium cartridge, and

wherein said end plug is ultrasonically welded to said proximal opening.

6. (Original) The writing instrument of claim 1, wherein said cushioning element is spring-shaped.

7. (Original) The writing instrument of claim 1, wherein said cushioning element holds said cartridge.

8. (Original) The writing instrument of claim 1, wherein said cushioning element further comprises a hole to allow venting.

9.-19. (Canceled)

20. (Currently Amended) A writing instrument comprising:  
a barrel having a proximal end with a proximal opening and a distal end with a writing end opening;  
a cartridge in said barrel having a writing tip extending out said writing end opening;  
an end plug in said proximal opening; and  
a cushioning element formed integrally with said end plug;  
wherein said cartridge is held by said cushioning element, and  
wherein said cushioning element is composed of a different material than the material of said end plug.

21.-25. (Canceled)

26. (Previously Presented) A writing instrument comprising:  
a barrel having a proximal end and a distal end with a writing end opening;  
a cartridge positioned in said barrel and having a writing tip extending out said writing end opening and a proximal end;

a cushioning element in the form of a coil spring abutting said cartridge and permitting axial movement of said cartridge within said barrel upon compression of said cushioning element by said cartridge during writing; and

a stop element extending through said cushioning element and affecting compression of said cushioning element once said cushioning element is compressed a predetermined extent of said cartridge, wherein said proximal end of said cartridge abuts said stop element.

27. (Original) The writing instrument of claim 26, wherein:

a proximal opening is defined in said proximal end of said barrel;

said writing instrument further comprises an end button positioned in said proximal opening in said barrel; and

said cushioning element is positioned between said end button and said proximal end of said cartridge.

28. (Currently Amended) The writing instrument of claim 27, wherein:

a longitudinal channel is defined in said end button and has a closed proximal end;

said stop element extends through said longitudinal channel in said end button; and

a gap is left between said stop element and said closed proximal end of said longitudinal channel in said end button when said cushioning element is in a neutral position  
~~a gap is left between said stop element and said closed proximal end of said longitudinal channel in said end button when said cushioning element is in a neutral position.~~

29. (Original) The writing instrument of claim 26, wherein said stop element is formed from a material that inhibits, but does not prevent, further compression of said cushioning element once said cushioning element is compressed to said predetermined extent.

30. (Original) The writing instrument of claim 26, wherein said stop element is formed from a material that prevents further compression of said cushioning element once said cushioning element is compressed to said predetermined extent.

31.-33. (Canceled)

34. (Previously Presented) The writing instrument of claim 26, wherein said stop element is slidably positioned within said cushioning element.

35. (Previously Presented) The writing instrument comprising:  
a barrel having a proximal end and a distal end with a writing end opening;  
a cartridge positioned in said barrel and having a writing tip extending out said writing end opening and a proximal end;  
a cushion element in the form of a coil spring abutting said cartridge and permitting axial movement of said cartridge within said barrel upon compression of said cushioning element by said cartridge during writing; and  
a stop element extending through said cushioning element and affecting compression of said cushioning element once said cushioning element is compressed a predetermined extent of said cartridge;  
wherein;  
a proximal opening is defined in said proximal end of said barrel;  
said writing instrument further comprises an end button positioned in said proximal opening in said barrel;  
a longitudinal channel is defined in said end button and has a closed proximal end;  
said stop element extends through said longitudinal channel in said end button;  
said cushioning element is positioned between said end button and said proximal end of said cartridge; and  
a gap is left between said stop element and said closed proximal end of said longitudinal channel.

36. (Previously Presented) A writing instrument comprising:  
a barrel having a proximal end and a distal end with a writing end opening;  
a cartridge positioned in said barrel and having a writing tip extending out said writing end opening and a proximal end;  
a cushioning element in the form of a coil spring abutting said cartridge and permitting axial movement of said cartridge within said barrel upon compression of said cushioning element by said cartridge during writing; and  
a stop element extending through said cushioning element and affecting compression of said cushioning element once said cushioning element is compressed a predetermined extent of said cartridge;  
wherein said stop element is formed from a material that inhibits, but does not prevent, further compression of said cushioning element once said cushioning element is compressed to said predetermined extent.